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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/612,374 | 07/01/2003 | Ki Rin Sung | DE-1489 | 3709 |
| 7590 | 08/24/2006 | | EXAMINER | |
| David A. Einhom, Esq. Anderson Kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020 | | | HAWK, NOAH CHANDLER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3636 | |

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/612,374 | SUNG, KI RIN | |
| | Examiner | Art Unit | |
| | Noah C. Hawk | 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 June 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6 and 8-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 6 and 8-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/9/06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8-11 are dependent on cancelled Claim 7. The dependency of these claims must be corrected so that they are dependent on a non-cancelled claim. For the purposes of examination, Claim 8 will be treated as depending on Claim 6.

4. Claims 6 and 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "so that when the covers are opened,

the covers are moved upward and then forward along the curved slant surface" recites a means for using the device of the instant claim, but does not impart any structural limitations to the device. For the purposes of examination, very little patentable weight will be given to this phrase.

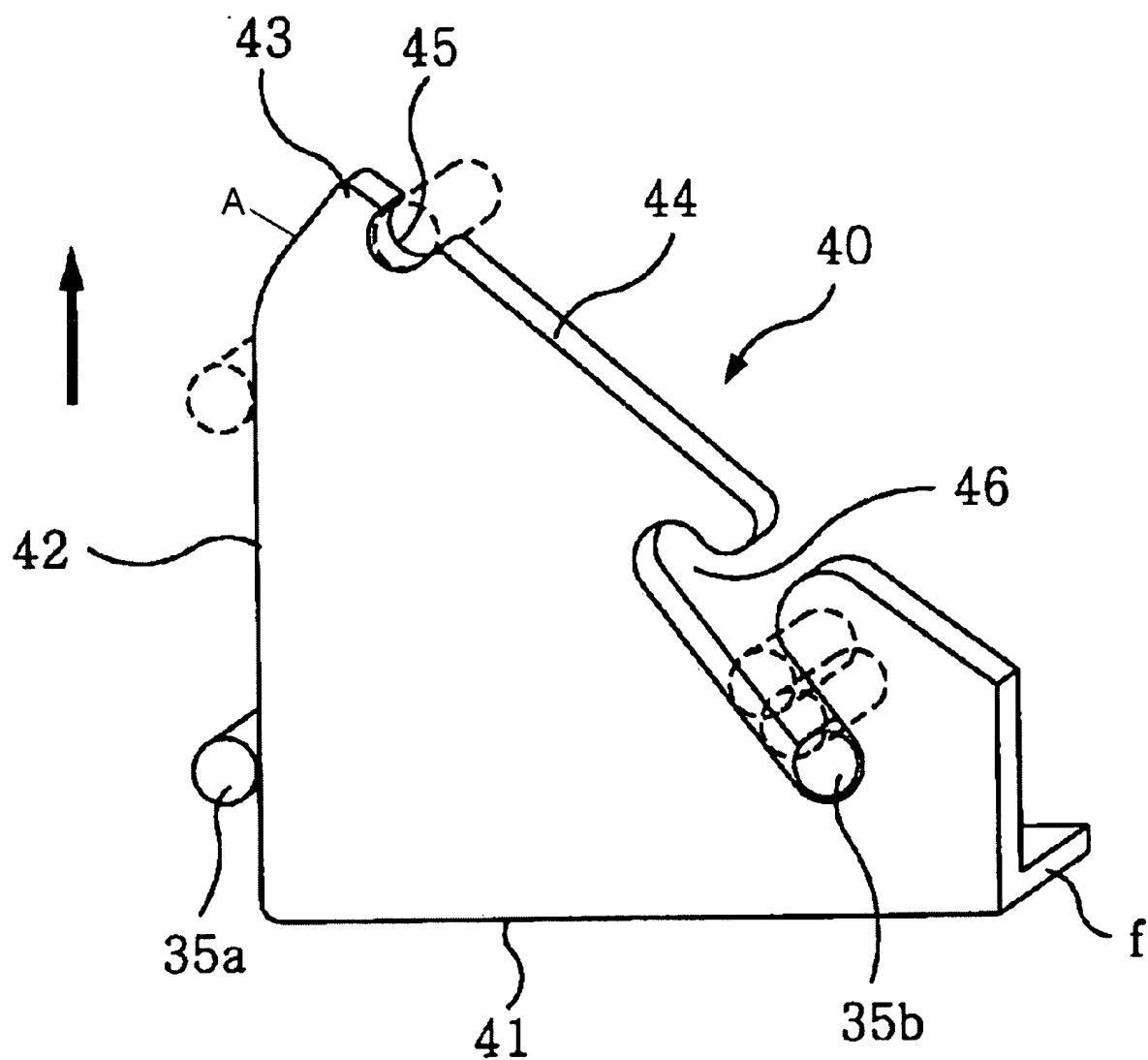
Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

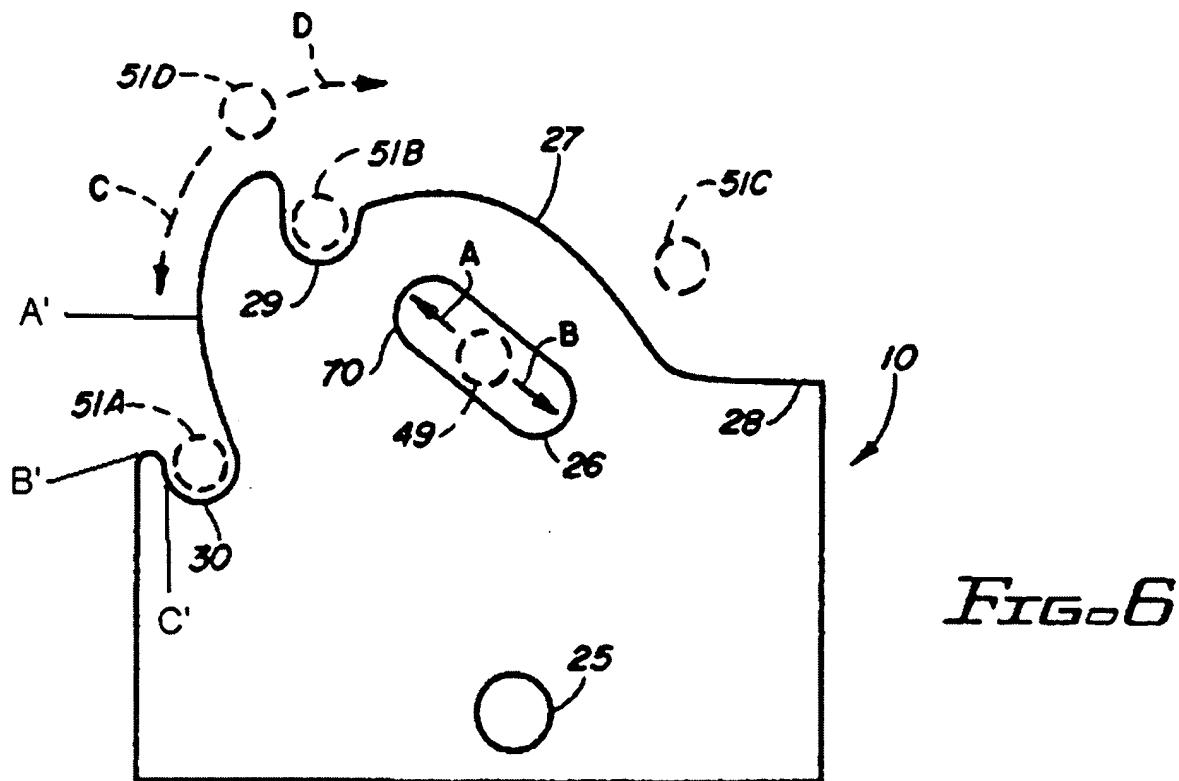
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Miller and Canfield. In the Background of the Invention, the applicant discloses a pan holder (page 1, line 19), surrounded by an insulated wall (page 2, line 3), using 2 brackets per cover (page 3, lines 9-11), which have a slanted guiding surface (Fig 2, A) for guiding a first hinge axle, the cover having two opposite sides (see Figure 1), a pair of first hinge axles (Fig 1, #26a), and a pair of second hinge axles (Fig 1, #26b) wherein the pair of first hinge axles are closer to a center portion of each of the covers than the pair of second hinge axles (best seen in Figure 2). The disclosed prior art does not teach an insulating wall with a flat top surface. Miller discloses an insulating wall (11c) with a flat top surface (best seen in Miller, Figure 4) to prevent items from rolling off. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the disclosed prior

art by using an insulating wall with a flat top surface as taught by Miller in order to prevent food items from rolling or sliding off the top of the wall when the device is used. The device of the disclosed prior art, as modified by Miller, fails to teach a curved slant surface, a guide opening parallel to the top surface of the insulated wall, a support portion at a lowest portion of the guide surface, or a front protrusion opposite the guide surface. Canfield teaches providing a bracket (10) with a curved slant surface (A'), a guide opening (26) for guiding one of the hinge axles that can be mounted to extend parallel to the top surface of the insulated wall (see Canfield, Column 3, line 47-50. The phrase "to pivotally connect end... to hinge member" teaches that the hinge member can be mounted in any orientation, therefore, this Canfield teaches a bracket that, when properly mounted, provides a guide opening extended parallel with the top surface of the insulated wall), a support portion (30) which is disposed at the lowest portion of the guide surface and a front protrusion (B') connected to the support portion and opposite to the guide surface. It would have been obvious at the time of invention to one skilled in the art to modify the device of the disclosed prior art in view of Miller to use the bracket as disclosed by Canfield in order to improve the ease of opening the cover.



Applicant's Disclosed Prior Art, Figure 2



Canfield, Figure 6

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art in view of Miller and Canfield as applied to claim 10 above and further in view of Shimizu et al. Canfield teaches providing a bracket (10, best seen in Figure 6) with a front protrusion (B') provided with a slant surface (C') and formed on a side of the front protrusion facing the guide surface (A'). Neither the disclosed prior art nor Canfield discloses an impact absorbing material. Shimizu et al. teach adding an impact absorbing coating (3) to a body (1) for the purpose of alleviating shock. It would have been obvious to one of ordinary skill in the art at the time of invention modify the

device of the disclosed prior art in view of Miller and Canfield by adding an impact absorbing surface as disclosed by Shimizu et al. to the bracket in order to protect the bracket and hinge members from damage upon accidental collision.

Response to Arguments

8. Applicant's arguments filed 6-9-06 have been fully considered but they are not persuasive.
9. Regarding the applicant's argument that the curved surface A' of Canfield is not a guide surface: it is reasonable to assume that the pin 51 will begin in detent 30, which, as applicant points out, will mean that the curved *will be used* as a guide surface. Showing pin 51 in position 51D is merely an example of a possible path for the pin during movement.
10. Regarding the applicant's argument that the curved slant surface of Canfield is not at slant, the applicant is directed to look at the end portions of the surface – they are clearly slanted.
11. Regarding the applicant's recitation of the movement of the cover, please see above rejections under 35 U.S.C. 112. The recitation of the use of the device imparts no structural limitations to the device and will not be given any patentable weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/8/06


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